

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JIM SHOCKLEY**, on February 8, 2001 at 7:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Jim Shockley, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Jeff Laszloffy, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Linda Holden (R)
Rep. Joan Hurdle (D)
Rep. Jeff Mangan (D)
Rep. Brad Newman (D)
Rep. Mark Noennig (R)
Rep. Ken Peterson (R)
Rep. Diane Rice (R)
Rep. Bill Thomas (R)
Rep. Merlin Wolery (R)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **HB 66 - 2-02-01**
HB 465 - 2-02-01
HB 471 - 2-02-01

Executive Action: HB 424 - DP
HB 331 - DPAA
HB 361 - Table
HB 278 - Table
HB 200 - Table

EXECUTIVE ACTION ON HB 361

Motion: REP. THOMAS moved that HB 361 DO PASS. #1

Discussion: Reps. Hurdle, Thomas, Gallus, Rice, Harris, Peterson, Younkin.

Motion/Vote: REP. YOUNKIN moved that HB 361 BE TABLED. #2 Motion carried 14-6 with Reps. Laszloffy, Adams, Clancy, Holden, Newman and Thomas voting no.

EXECUTIVE ACTION ON HB 331

Motion: REP. EGGERS moved that HB 331 DO PASS. #3

Discussion: Reps. Eggers, Thomas.

Motion: REP. THOMAS moved that HB 331 BE AMENDED. #4
EXHIBIT (juh32a01)

Discussion: Reps. Thomas, Eggers, Newman, Noennig, Younkin, Hurdle.

Vote: Amendment Motion #4 failed 3-17 with Reps. Eggers, Peterson and Thomas voting yes.

Motion: REP. LASZLOFFY moved that HB 331 BE AMENDED. #5

Discussion: Reps. Laszloffy, Mangan, Mr. MacMaster, Gallus, Eggers, Newman, Younkin, Adams, Shockley, Noennig.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 29.4}
{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 9.8}

Motion: REP. NOENNIG moved a substitute motion that HB 331 BE AMENDED. #6

Discussion: Reps. Adams, Peterson, Gallus, Thomas.

Vote: The Noennig amendment #6 passed unanimously 20-0.

Motion: REP. EGGERS moved that HB 331 DO PASS AS AMENDED. #7

Discussion: Reps. Shockley, Eggers, Newman.

Vote: Motion #7 carried unanimously 20-0.

EXECUTIVE ACTION ON HB 254

Discussion: Reps. Peterson, Shockley, Noennig.

Motion: REP. GALLUS moved that HB 254 BE POSTPONED. #8

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Rep. Shockley proposed a conceptual motion to approve a Committee Bill, to provide that the Attorney General of the State of Montana would be the entity, the person, that handled all appellate work for the State of Montana. There would be an escape clause, conceptually, for the Governor, that if she wished her own people to do it, she could.

Discussion: Reps. Eggers, Peterson, Harris, Gallus, Thomas.

Motion/Vote: REP. SHOCKLEY moved a conceptual motion to approve a COMMITTEE BILL. #9. Motion carried unanimously 20-0.

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{Tape : 1; Side : B; Approx. Time Counter : 1.4 - 29.6}

HEARING ON HB 465

Sponsor: Rep. Christine Kaufmann, HD 53, Helena said this Bill would repeal and abolish the death penalty as a possible sentence in the State of Montana.

Proponents: Rep. Joan Hurdle, HD 13, Billings

Scott Crichton, President, Montana Abolition
Coalition.

Bud Welch, Father of daughter killed in Oklahoma City
Bombing.

Ron Watermsn, Attorney, Helena, **EXHIBIT**(juh32a02)

Mike Donahoe, Helena, Federal Public Defender

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Brigitte M. Anderson, Three Forks **EXHIBIT**(juh32a03)

Eve Malo, Amnesty International in Montana; Murder
Victims' Families for Reconciliation **EXHIBIT**(juh32a04)

Marietta Lane, Three Forks **EXHIBIT**(juh32a05)

Senator John Bohlinger, SD 7, Billings

Molly Madden, Helena

Al Smith, Secretary/Treasurer, Montana Abolition
Coalition, Helena

Shirley Vincent Tiernan, Helena

Daniel Casey, Montana Human Rights Network, Helena

Sharon Hoff-Brodowy, Montana Catholic Conference,
Helena **EXHIBIT**(juh32a06) **EXHIBIT**(juh32a07)

Ed Sheehy, Jr. Missoula

{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 29.9}

Betty Whiting, Montana Association of Churches
EXHIBIT(juh32a08)

Bruce Day, Great Falls

Paul Whiting, Self

Sister Mary Maronick, Sisters of Charity,
Leavenworth, Billings

J. J. Straight, Missoula

Elizabeth Bower, Billings

Elizabeth Johnson, Helena

Student from Carroll College

EXHIBIT(juh32a09) **EXHIBIT**(juh32a10) given to Secretary after
Proponents' testimony.

Opponents: Mike Barrett, Helena

Larry Chambers, East Helena

EXHIBIT(juh32a11) given to Secretary after Opponents' testimony.

Informational Witness: John Connor, Attorney General's Office.

Questions from Committee Members and Responses: Reps. Mangan, Gallus, Peterson, Harris, Gutsche, Noennig, Newman, Rice, Adams, Clark, Thomas to Mr. Waterman, Ms. Hoff-Brodowy, Mr. Connor, Ms. Anderson; Ms. Collins, Department of Justice; Mr. Donahoe, Ms. Lane, Senator Bohlinger.

{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 30.1}

{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 24.2}

Closing by Sponsor: Rep. Kaufmann closed the Hearing on HB 465 by saying the criminal justice system is not 100% fair and, therefore, should not be allowed to apply a punishment that is 100% irreversible.

{Tape : 3; Side : B; Approx. Time Counter : 24.2 - 29.5}

EXECUTIVE ACTION ON HB 315

Motion: REP. MANGAN moved that HB 315 DO PASS. #10

Motion: REP. SHOCKLEY moved that HB 315 BE AMENDED. #11

EXHIBIT(juh32a12)

Discussion: Reps. Shockley, Thomas, Clancy, Gutsche, Peterson, Newman, Younkin, Harris; without objection Rep. Gallik and Mr. Spaeth, Mr. MacMaster, **EXHIBIT**(juh32a13)

Motion: REP. NOENNIG moved to postpone HB 315. #12

HEARING ON HB 471

Sponsor: Rep. Ken Peterson, HD 20, Billings said this Bill will try to help out several sectors of society. It will authorize and allow prisoners in the Montana State Prison system to build low-income houses and work in conjunction with cities, municipalities and the private sector to be able to place these low-income houses in the hands of low-income people to provide them with housing.

Proponents: Senator John Bohlinger, SD 7, Billings

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Jerry Driscoll, Building Construction Trades Council,
Billings.

Julie Ippolito, Human Resources Development Council
Directors Association, Helena.

Sharon Hoff-Brodowy, Montana Catholic Conference.

Opponents: Stuart Doggett, Montana Manufactured Housing and RV

Informational Witness: Bill Jellison, Department of Commerce,
Building Codes Division.

Bruce Brensdal, Montana Board of Housing,
EXHIBIT (juh32a14)

{Tape : 4; Side : B; Approx. Time Counter : 0.1 - 30.1}

Questions from Committee Members and Responses: Reps. Harris,
Mangan, Clancy, Clark, Wolery, Hurdle, Curtiss to Sen. Bohlinger,
Mr. Brensdal, Mr. Driscoll.

Closing by Sponsor: Rep. Peterson closed the Hearing on HB 471.

EXECUTIVE ACTION ON HB 424

Motion: REP. NEWMAN moved that HB 424 DO PASS. #13

Discussion: Reps. Newman, Harris, Noennig.

{Tape : 5; Side : A; Approx. Time Counter : 0.1 - 30.1}

{Tape : 5; Side : B; Approx. Time Counter : 0.1 - 1.9}

Vote: Motion #13 carried 19-1 with Rep. Mangan voting no.

EXECUTIVE ACTION ON HB 278

Motion: REP. MANGAN moved that HB 278 DO PASS. #14

Motion: REP. MANGAN moved that HB 278 BE AMENDED. (Amendment #027801) #15

Discussion: Reps. Wolery, Mangan, Mr. MacMaster.

Vote: Motion #15 on the amendment carried unanimously 20-0.

Discussion: Reps. Hurdle, Shockley, Newman, Noennig.

Motion/Vote: REP. NEWMAN moved that HB 278 BE AMENDED. #16
Motion carried unanimously 20-0.

Discussion: Reps. Noennig, Mr. MacMaster, Hurdle, Shockley, Laszloffy, Newman, Mangan, Gallus, Gutsche

Motion: REP. HURDLE moved that HB 278 BE AMENDED. #17 Withdrawn.

Motion: REP. LASZLOFFY moved that HB 278 BE TABLED. #18

{Tape : 5; Side : B; Approx. Time Counter : 1.9 - 29.8}

{Tape : 6; Side : A; Approx. Time Counter : 0.1 - 4.1}

Vote: Motion #18 to Table carried 13-6 with Reps. Clark, Gallus, Gutsche, Harris, Hurdle and Mangan voting no.

EXECUTIVE ACTION ON HB 200

Motion: REP. CLANCY moved that HB 200 DO PASS. #19

Discussion: Reps. Rice **EXHIBIT**(juh32a15), Noennig, Gallus.

Motion/Vote: REP. PETERSON moved that HB 200 BE TABLED. #20.
Motion carried 16-3 with Reps. Adams, Rice and Thomas voting no.

EXECUTIVE ACTION ON HB 341

Motion: REP. YOUNKIN moved that HB 341 DO PASS. #21

Discussion: Reps. Gallus, Younkin, Newman.

Motion/Vote: REP. YOUNKIN moved that HB 341 BE AMENDED. #22

Motion carried unanimously 20-0.

Motion: REP. YOUNKIN moved that HB 341 DO PASS AS AMENDED. #23

Discussion: Reps. Laszloffy, Noennig, Mangan, Younkin, Gallus.

{Tape : 6; Side : A; Approx. Time Counter : 4.1 - 30}

Motion: REP. GALLUS moved that HB 341 BE AMENDED. #24.

Withdrawn.

Discussion: Rep. Clark, Hurdle, Clancy, Wolery, Shockley.

Motion/Vote: REP. YOUNKIN moved that HB 341 DO PASS AS AMENDED.

#25 Motion failed 9-11 with Reps. Shockley, Laszloffy, Clark, Adams, Clancy, Curtiss, Eggers, Holden, Noennig, Rice and Thomas voting no.

Motion/Vote: REP. NOENNIG moved that HB 341 BE TABLED. #26.

Motion carried 11-9 on a reverse vote.

{Tape : 6; Side : B; Approx. Time Counter : 0.1 - 7.3}

ADJOURNMENT

Adjournment: 12:45 P.M.

REP. JIM SHOCKLEY, Chairman

MARY LOU SCHMITZ, Secretary

JS/MS

EXHIBIT (juh32aad)